

SENT VIA EMAIL

June 2, 2015

Peter Fenerin, President
Association of Building, Mechanical and Electrical Inspectors (ABMEI)
c/o Planning, Building and Code Enforcement
200 E. Santa Clara Street
San Jose, CA 95113

RE: Negotiations

Dear Peter:

As you know, the Memorandum of Agreement (MOA) between the Association of Building, Mechanical and Electrical Inspectors (ABMEI) and the City expires on June 30, 2015. We contacted ABMEI to begin negotiations on a successor agreement on May 6th. In that letter, we offered to meet with ABMEI on May 13th, May 15th, and May 20th, 2015.

We did not receive a response from ABMEI until May 14th, at which time ABMEI agreed only to the last proposed date (May 20th). Since then, we have met once, on May 20th, and ABMEI has indicated it is not available to meet again until June 10th. We have been trying to set up additional dates and times to meet with you but have not received any additional dates.

On or about May 28th, in response to the City's offer of additional meeting dates and times, you declined to provide any additional dates, instead indicating that, if the City's Chief Building Official's calendar was delaying labor negotiations, his calendar should be "disregarded." We want to clarify that we have been waiting on ABMEI's availability – and not the Chief Building Official.

As we have indicated on previous occasions, the City is available to meet with ABMEI on the following dates and times, in addition to the meeting on June 10th ABMEI has previously confirmed. We await word from you if ABMEI is also available on any of these dates. If the following dates and times do not work, please advise us of your availability.

Date	Day	Time
June 3, 2015	Wednesday	1:00 to 3:00 pm
June 4, 2015	Thursday	2:00 to 4:00 pm
June 5, 2015	Friday	9:00 to 11:00 am
June 12, 2015	Friday	8:30 to 11:30 am

We would also like to remind you that ABMEI's contract does not expire until June 30th, and that it was disappointing that you make mention that – after a single negotiation session – the City "may provoke a strike." We find it disconcerting that ABMEI has begun to discuss a strike when ABMEI has not even provided the City its list of interests and issues, much less having

exchanged any proposals of substance. We would ask that ABMEI review its position as the responsibility to bargain in good faith with the intent to reach an agreement is borne by both parties. Please also note that any strike prior to impasse being reached and impasse procedures being exhausted would be premature.

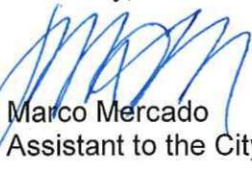
As we have previously discussed, the City has also been attempting to update the classification structure of the classifications represented by ABMEI, both in compensation structure as well as combination inspections, as well as help stabilize the workforce and provide services to the public. As has been discussed with ABMEI, this may result in employees represented by your bargaining unit being eligible for up to a 12% increase in compensation in exchange for obtaining and maintaining certifications.

We had originally attempted to address the classification issue separately from MOA negotiations so that ABMEI employees may be eligible for the 12% in increased compensation prior to negotiations over a successor MOA. We had planned to bring these changes to City Council for its consideration on June 23rd and allow ABMEI represented employees to receive the additional compensation for their existing certifications during the first full pay period in July. We have since received communications from you and ABMEI's attorney that you have concerns regarding this issue. The City is open and willing to discussing this matter in MOA negotiations as you have requested and get a better understanding of your concerns. However, please be aware that this may delay the classification changes from taking effect.

Lastly, the City has been trying to address the issues surrounding electrical inspections. The Department has discussed a myriad of options with ABMEI, including having inspectors conduct very limited non-complex electrical inspections in order to free up the electrical inspectors to conduct the complex inspections requiring their expertise. In addition, there was some discussion about having a set number of inspectors conduct such non-complex electrical inspections for a limited number of days. However, given the number of inspections that are currently needed, the City will be proceeding with using outside contractors to conduct inspections in order to alleviate the strain on the staff. These contractors will not be replacing any of our employees but are intended to supplement our current staff while we continue to recruit for permanent inspectors and hope that we can raise our staffing levels in order for us not to have to resort to seeking outside help.

We look forward to meeting with you soon, and working with you to discuss the various issues that are before us.

Sincerely,



Marco Mercado
Assistant to the City Manager

c: Norberto Dueñas, City Manager
Dave Sykes, Assistant City Manager
Jennifer Schembri, Interim Director of Employee Relations
Harry Freitas, Director, PBCE
ABMEI Negotiation Team
Mark Renner, Wylie McBride Platten & Renner